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Via ECF and Fax

November 30, 2018

Honorable Paul G. Gardephe, U.S.D.J.  
United States District Court  
Southern District of New York  
40 Foley Square, Room 705  
New York, NY 10007

Re: *Starr Surplus Lines Insurance Company and Houston Casualty Company*  
*v. CRF Frozen Foods, LLC*, Civil Action No. 17-cv-1030 (PGG)

Dear Judge Gardephe:

CRF Frozen Foods, LLC ("CRF"), Starr Surplus Lines Insurance Company ("Starr"), and Houston Casualty Company ("HCC") submit this joint letter to report to the Court on the progress of additional discovery. This letter updates the parties' last joint letter to the Court dated October 12, 2018.

As Your Honor may recall, on April 11, 2018, Judge Freeman ordered CRF to review and produce relevant, non-privileged documents for over a one-year span, that are responsive to Phase I of this matter, dated from October 16, 2015 through February 10, 2017, and further ordered that Starr and HCC search for and produce certain documents.<sup>1</sup> As detailed in the parties' prior joint letters to the Court, the parties followed up on Judge Freeman's Order, including by making supplemental productions of documents and privilege logs. The content of those prior joint letters to the Court is incorporated herein by reference.

The parties now have completed their respective reviews of the supplemental disclosures, including supplemental productions of documents and privilege logs. Based on CRF's supplemental productions and disclosures, Starr and HCC have completed the supplemental depositions of John Rodacy (ex-President of CRF and 30(b)(6) witness), Emily Camp (ex-Director of Quality Systems at CRF and 30(b)(6) witness), and Loyd Richardson (ex-Director of Operations at CRF).

Without waiving any arguments, the parties believe that this matter is now ripe for the Court to consider whether summary judgment motions are appropriate on Phase I

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<sup>1</sup> On Thursday, May 3, 2018, HCC made a supplemental production and Starr represented it was unable to identify any further responsive documents.

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related matters and, therefore, propose to request a pre-motion conference on cross-motions for summary judgment. The parties propose submitting letters to the Court in accordance with Rule 4(a) of the Court's Individual Practices by December 18, 2018, with opposition letters, if any, to be submitted by December 21, 2018. If the Court allows the parties to submit motions for summary judgment, the parties respectfully request the opportunity to propose a joint briefing schedule for such motions.

We thank Your Honor for your consideration.

Respectfully submitted,

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cc: *All counsel of record via ECF*